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## House of Representatives

### Tale of Two Young Men

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
*Thursday, March 3, 2005*

The SPEAKER pro tempore (Mr. Davis of Kentucky). Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to speak about two young men. They both grew up in Houston, Texas. They both grew up without any family support. They both were basically raised by others. They were both named Michael. And they both chose careers in the criminal justice system.

Michael Lopez chose in the criminal justice system the career of crime. He started committing violent crimes at the age of 11. He spent a lot of time in and out of the criminal justice system. He was a gang member, a drug abuser, committed numerous robberies against other juveniles, a burglar, and a thug in his own community.

Michael Eakin also chose criminal justice as a career, but he chose it as a police officer. Their paths crossed on a quiet peaceful night in Houston, Texas, after Officer Eakin stopped Lopez and his fellow gang members who were cruising Houston, Texas, looking for criminal opportunities.

When Officer Eakin stopped the vehicle, Lopez jumped from the vehicle, took off running and Officer Eakin made the decision to chase Michael Lopez. After capturing Lopez, Lopez pulled out a pistol, pointed it at point blank range and shot Officer Eakin, and then he fled in the darkness of the night.

Lopez was 17 and on probation for criminal offenses. Eakin was 24 and a rookie police officer. Lopez was charged with capital murder of a police officer. In Texas, a 17-year-old is an adult by State law for criminal law purposes and not a juvenile.

It is a long-established rule of law that the States determine the age of accountability for criminal law purposes. Not the Federal Government, not the Federal courts.

I was the judge in the Lopez case, having been a judge for 22 years in criminal cases. A jury heard the case in my court. A jury found the defendant Michael Lopez guilty of capital murder of a police officer. Court TV even showed this on national television. The same jury unanimously found the defendant would be a continuing threat to society in the future. The jury unanimously found there was no mitigation that would warrant a sentence less than death with Michael Lopez.

The defendant was assessed the death penalty by a jury in 6 hours. During sentencing I referred to the defendant as a street terrorist based upon the evidence in the case. On appeal, the highest court in Texas referred to the defendant as a mean little guy and upheld the death penalty.

Now the Supreme Court has gotten involved in these types of cases and declared once and for all that no one 17 or under can be executed for the crimes that they commit. Citing international court decisions and the so-called evolving United States Constitution, the Court yesterday struck down these types of cases five to four.

The Supreme Court of the United States should not look to foreign courts for guidance but to the United States Constitution because that is what they are sworn to uphold. The Supreme Court once again has discriminated against victims based upon the age of the defendant. Whether or not a person agrees or disagrees with the death penalty, whether or not a person feels the age of accountability should be 17 or 18 or 21, there is no precedent in law that the Supreme Court may arbitrarily say a 17-year-old is a mere child and an 18-year-old is an adult.

The Supreme Court has once again promoted the philosophy that America is becoming the land of excusable conduct in our criminal courts. There should be consequences for criminal conduct even for 17-year-olds.

The Supreme Court has replaced the law of the land with its own personal opinion and European thought. This is an affront to the rule of law, to the Constitution, to the 10th amendment. It is an affront to the peace officers in the United States, and it is an affront to Officer Michael Eakin and his family.